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HISTORIC PRESERVATION

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" ONCE LOST, A PAST LANDSCAPE

CHARACTER CAN NEVER BE FULLY

REGAINED"

A Review of the Historic District Program

RECEIVED

[REDACTED]

HISTORIC PRESERVATION

HERTFORD COUNTY, NORTH CAROLINA

COUNTY COMMISSIONERS

W. T. Modlin, Chairman
Hunter Sharpe, Jr.
Fred Jones
Earl Lewis
R. Gilbert Whitley

PLANNING BOARD

Joseph Morris, Chairman
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W. B. Gillam
J. P. Harris


HISTORIC DISTRICT COMMISSION

Rachel Pittman, Chairman
Lou Mason
Majorie Riddick
Dillard Riddick

PREPARED BY

NORTH CAROLINA DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES
Division of Community Assistance
Northeastern Field Office
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May 1976



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Background and Intent

Early in 1975 the Hertford County Planning Board began work on amendments to the Zoning Ordinance. These amendments were predominately concerned with the addition of conditional uses to the ordinance. At the same time, the Board was approached with a request for guidance on how to go about using a certain piece of property as an antique shop. Because the property was of some historical interest, the Planning Board decided to consider the possibilities of adding an Historical District to the Zoning Ordinance while they also considered the conditional uses. In the end the Zoning Ordinance was amended to include specific conditional uses while also providing for historic districts. Ironically, the request for the antique shop can now be handled as a conditional use and the Historical District addition to the ordinance became unnecessary - at least as far as this particular antique shop was concerned.

However, it is very obvious that Historic Preservation Programs can be of great benefit to a community (including counties) such as Hertford. When we look at the benefits which can accrue to a county undertaking a preservation program we see improved community appearance, stabilized or upgraded property values, uplifted community spirit and various other possibilities. In Hertford's situation the outdoor recreation development potential of historic sites has been rated excellent by the Soil Conservation Service. With such good credentials it would be a shame to see the county undertake a program that was less than the best and thereby lose an excellent opportunity for improvement to the county. This review is intended to clarify the county's present responsibilities under the recently amended Zoning Ordinance and to point out the various historic preservation alternatives available.

STATUS OF THE HISTORIC PRESERVATION PROGRAM IN HERTFORD COUNTY

Two major problems surfaced concerning the administration of the Historic District Preservation program. The first of the problems centered on reservations expressed by the N. C. Division of Archives and History. These reservations dealt with the appropriateness of rural historic districts from both an administrative and a legal viewpoint.

The second problem surfaced when the Hertford County Planning Board and the newly organized Historic District Commission were initially advised of their authority. Both the Board and the Commission were quite aghast at the amount of control they could exercise over changes in the historic districts. The Commission was prepared to resign, stating that they had no idea that such a strong ordinance had been put in their hands. The Planning Board concurred.

To address these two problem areas, it is necessary first to review the state enabling legislation and the sufficiency of the amended zoning ordinance both of which are included in the Appendix of this document. Of particular importance are the sections describing the certificate of appropriateness, which prompted most of the controversy over authority and control of private property.

The state enabling legislation which gives towns and counties the authority to create historic districts and historic properties commissions is also in the Appendix.

The Historic District amendment to the zoning ordinance is soundly written, and if administered, should pose no legal problems (personal conversation with Robert Stipe, Historic Preservation Planner, Institute of Government, and former Director of Archives and History).

The Authority Issue

Changes in the outward appearance of any building or surrounding landscape in an historic district is strictly controlled by the Historic District Commission. However, the ultimate change in an historic property-its demolition-cannot be stopped. The commission also has no authority to require work to be done (i.e., require repairs or renovation) and only the exterior of a building can be regulated. Interiors cannot be regulated.

The strict regulation of historically significant private property is obviously a touchy issue in Hertford County. But the issue must be faced. On the one hand close regulation of property results in protection of historic sites - most of the time. On the other hand a less restrictive preservation program will not provide the same level of protective supervision and therefore historic sites may be destroyed, often unintentionally.

The Question of Administrative and Legal Appropriateness

From its statewide perspective the Division of Archives and History has expressed reservations about Hertford County's Historic District program. Because the concept of rural historic districts is in its infancy and because there have been no major court cases on historic preservation in North Carolina, Archives and History is concerned that a poorly administered county program will wind up in court, setting precedents which may drastically alter the other preservation programs in the State. An historic district preservation program is quite difficult to carry out, especially because there is so little precedent on which to rely for guidance. It requires great attention to procedural rules, legal requirements, and administrative details. Such a program is complicated at the city level and becomes even more so on a county-wide basis. The program also relies heavily on the expertise of all of the many people involved, including the

zoning officer, the Board of Adjustment, the building inspector, and the Historic District Commission itself. Finally, the program is a very visible one, constantly subject to heavy private and public pressure.

The issue of spot zoning has been raised in Hertford County because the majority of the significant structures are single and isolated. The legality of spot zoning has been cited as further reason to abandon the historic district program. However, spot zoning is not a valid issue in Historic District preservation for the following reasons.

Spot zoning describes a type of zoning which involves a small area (a spot) and which permits a use which is different from the predominant use. This type of rezoning is invalid only when the rezoning is found to be arbitrary and/or inappropriate. Arbitrary or inappropriate action is usually one of the following:

1. Action directed at some improper purpose. For example, racial segregation or punishment for personal reasons.
2. Action which is not well adapted to a carrying out its intended purpose.
In other words, action which is simply not likely to have the intended result or which also results in prohibiting a large number of harmless activities.
3. Action with no discernible reason.

The courts also consider the following points when determining whether or not to uphold a zoning decision:

1. Is the zoning change according to a comprehensive plan? If so, the action was not likely to be arbitrary or inappropriate.
2. Is the permitted use in the rezoning case very different from the prevailing use in the surrounding area? For instance, permitting an industrial or business use in a residential area may be considered arbitrary.

3. Is the area quite small - one lot or a few? If so, the court gets suspicious and looks into the justification and motivation for the rezoning rather carefully. However, large tracts are often passed over and therefore the appropriateness of a rezoning action does not rest on size alone or the doctrine would provide protection against small mistakes but not large ones.
4. Is the change to a less restrictive district for the benefit of the whole community or does it merely provide an advantage (a special privilege) for a special developer or relieve a small tract from the restrictions applying generally to the whole tract? If for the latter two reasons, the action may be inappropriate.
5. Does the change create disharmony with the surrounding area? If so, this does not necessarily mean that the rezoning was improper because whenever districts adjoin each other, disharmony results.^{1/}

After reading this list of criteria by which a spot zoning case is judged, it is apparent that even a single historic structure would rarely be subjected to litigation simply on the grounds that it is spot zoning.

Alternatives

Although a historic districts program is difficult to administer, the main problem seems to be a lack of enthusiasm by the Planning Board and the Historic District Commission over enforcing such a strict program. However, resolving this question is not the prerogative of the Historic District Commission nor of the Planning Board; it is the responsibility of the Hertford County Board of Commissioners after appropriate recommendations from both the Planning Board and the Historic District Commission. Several alternatives are possible.

^{1/}Chapter 27 of American Land Planning Law.

Alternative 1

Enforce the Historic District program in its entirety.

The zoning amendment is well written and if carefully administered is capable of preserving the historic rural landscape and architectural features of the Hertford countryside. The goals set out in the amendment are commendable. Their message is hard to ignore and should be repeated: Once a historically significant structure is gone, it can never be regained.

A decision to enforce the historic district amendment is a decision to provide the best available means of protection for the county's historic resources.

Alternative II

Enforce the historic district program slowly and selectively with the full approval and cooperation of each property owner, or for protection of those sites of greatest historic value.

A gradual easing into the program would provide time to iron out any problems, in essence a practice run. If the owners are planning on preserving the site anyway, designation as an historic district would not be a burden to them. Progress could then be followed by the public and more widespread acceptance of the program might result.

Alternative III

Repeal the historic district amendments.

Such an action would be handled as a regular zoning amendment and is appropriate only if the county never intends to staff and administer the historic districts program.

Alternative IV

Balance the preservation program by adding an Historic Properties Ordinance but still retaining the historic district concept.

This possibility provides a true alternative if the county wants a preservation program that is not as restrictive as an historic districts program. Although an historic properties program offers many advantages, changes to structures cannot be regulated as thoroughly as in an historic district program.

Recommendations

The historic district program is the best way to preserve Hertford County's historic resources. However, in view of the Historic District Commission's and Planning Board's reservations, alternative IV is recommended. The initiation of a historic properties program will provide a solid foundation for a successful preservation program. The current historic districts program was simply too big a step for the county to take the first time. A properties program will be a good means of laying the needed groundwork that will create a program with widespread public support. The enabling legislation is included in the Appendix.

As one can see, the historic properties ordinance differs from an historic district program in the following areas.

- The Historic Properties Commission (HPC) designates properties as historic after lengthy investigation and this designation entitles the property owner to a 50% ad valorem tax reduction.
- The HPC may only use persuasion to control changes to the property. However, if the property is changed enough to destroy its historic characteristics, the HPC will revoke the historic properties designation, and the owner will lose the tax break and must pay back taxes plus interest.

- The HPC has authority to buy, sell, lease, trade or otherwise manage property. Outright purchase is often the only way to protect certain structures and is the only means of preserving interior details.

The following actions are required if the county decides to begin an Historic Properties Program.

- The Board of Commissioners must designate an Historic Properties Commission (HPC).
- The HPC must make (or have some else make) an investigation and report of the historical, architectural, educational, or cultural significance of each building, structure, site, area, or object which they are considered for designation as an historic property or for acquisition.
- The HPC then recommends to the Board of Commissioners what should be designated by ordinance as "historic properties."
- The N. C. Department of Cultural Resources is to analyze the HPC report and is to make recommendations on it.
- The HPC and Board of Commissioners must then hold a public hearing on the proposed ordinance. Notice of the hearing must be published and notice must be sent to all owners and occupants of the properties.
- Following the Public Hearing the Board of Commissioners may adopt, amend, or reject the ordinance.
- The Board may adopt the ordinance designating one or more historic properties based on the following criteria.
 - historical and cultural significance -
 - suitability for preservation or restoration -
 - educational value -
 - cost of acquisition, restoration, maintenance, operation or repair -

- possibilities for adaptive or alternative use of the property -
- appraised value -
- the administrative and financial responsibility of any person or organization willing to underwrite all or a portion of such costs -

Before the structure (or object) may be designated, it must also meet the criteria established for the inclusion of the property in the National Register of Historic Places. These criteria must be evidenced by appropriate findings in resolutions of the HPC. These criteria follow.

Criteria for Evaluation^{1/}

The following criteria are designed to guide the States and the Secretary of the Interior in evaluating potential entries (other than areas of the National Park System and National Historic Landmarks) to the National Register:

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- (A) that are associated with events that have made a significant contribution to the broad patterns of our history; or
- (B) that are associated with the lives of persons significant in our past; or
- (C) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (D) that have yielded, or may be likely to yield, information important in prehistory or history.

^{1/}THE NATIONAL REGISTER OF HISTORIC PLACES, U. S. Dept. of Interior, National Park Service.

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- (A) a religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- (B) a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- (C) a birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life; or
- (D) a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- (E) a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- (F) a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or

(G) a property achieving significance within the past 50 years if it is of exceptional importance.

Upon adoption of the ordinance:

- each owner and occupant of the property must be notified.
- a copy of the ordinance and any amendments shall be filed with the register of deeds.
- each historic property shall be indexed according to the name of the property owner in the grantor and grantee indexes. The HPC shall pay a fee for this service.
- a copy of the ordinance and all amendments shall be given to the building inspector.
- the historic property shall be clearly indicated on all tax maps.
- notice shall be given to the tax supervisor and the designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes.
- the property may be demolished, materially altered, remodeled, or removed only after 90 days written notice has been given to the HPC.

As part of its duties the HPC is expected to organize and carry out an educational program to further the goal of historic preservation. The key component in the education program would be informing the citizens how the preservation program works, what the present program is intended to do, and why it is being undertaken. Informing and involving the citizens serves to insure against misunderstanding about what the program will or will not do. This education process should also provide for citizen input. An excellent example of citizen input is a questionnaire sent to residents of Chapel Hill, N. C. The questionnaire helped their planning board determine which characteristics were most important

to the people. The sidewalks, vegetation, and stone walls rated very high and therefore more attention was focused on their preservation. Certainly a survey of public opinion can help focus the actions for any future education and public relations efforts.

Further possibilities include:

- a regular news column on historic preservation which would discuss actions taken by the county and HPC, historic tidbits of information, explanation of architectural elements, etc.
- a picture book of architectural details for the benefit of those people who don't know what to look for in historic architecture
- a car tour mapped around the county that points out some of the most interesting places
- further coordination with the towns in developing a truly county-wide program.

Recommendations for a Historic District Program, rules of procedure, staffing, and training

Many of the pitfalls encountered in an historic properties program may also be found in an historic district program. It is strongly emphasized that the following procedural issues in properties programs be carefully reviewed and applied to the historic districts programs.

If the county decides to implement the district program, the following action will be necessary:

- The planning board must designate historic districts by making an investigation and report on the historic significance of the building, structure, features, sites or surroundings included in the proposed district.
- The planning board must write a description of the boundaries of the district.
- These two items must be sent to the N. C. Department of Cultural Resources for analysis.

- Before adopting specific districts the planning board must appoint a historic district commission.
- The planning board then proceeds as required for adoption or amendment of any appropriate zoning ordinance provisions.
- The historic district commission should be prepared to administer the program as soon as districts are designated.

The following is the responsibility of the Historic District Commission.

Prepare Rules of Procedure

Legal authority (and threat of litigation) rests on how the commission carries out its business. Therefore, rules of procedure should be explicitly laid out and consistently followed to protect the program from accusations stemming from "arbitrary and inappropriate" actions.

The rules from the Salisbury N. C. Historic District Commission are included in the Appendix of this report as a good example. In Salisbury's case however, the commission did not follow its well written rules, was taken to court, and lost.

Set Standards

Although the criteria for issuing a Certificate of Appropriateness are set out in the zoning ordinance, a working report which graphically depicts the criteria would be of benefit. The following example is taken from a Savannah, Georgia report done by the Planning Consulting Firm of Eric Hill & Associates. Graphics from this report are also included in the Appendix as examples applicable to Hertford County.

When a particular building is involved, the commission must insure that the planning board or staff has recorded all pertinent details of the structure which make it significant. These details which give the structure its significance

are the details with which the commission will be concerned when they decide the appropriateness of any changes.

Base All Actions on Expert Advice

Much of the commission's work will involve technical, architectural, and planning (legal) questions. Retaining expert advisors lends authority to the whole program and certainly helps the commission "stick to its guns" based on unbiased advice.

It is suggested that the commission make use of the DNER planner on contract to the planning board and also contract with the Division of Archives and History to retain an architectural historian or other type of preservation planner.

Train all Staff Members

Gather together all the people who will be involved in the preservation program and explain each person's or each group's responsibility. The zoning administrator, building inspector, and Board of Adjustment, Planning Board, and each member of the commission, must understand all rules of procedure, timing requirements (for example, when an application is received) and the ordinance and enabling legislation. In the case of Salisbury, the Board of Adjustment did not follow proper procedure in hearing an appeal and the court ruled the Historic District Commission in error.

Historic Sites

Inventory of Hertford County

The foregoing recommendations are based on preliminary information gathered first hand from a countywide survey of architecturally significant structures.

The survey shows that:

- Hertford County has nearly 200 structures of architectural interest.
- A great deal of the charm of the structures comes from their rural setting, including long, scenic drives, and pastoral countryside with few distractions.
- Most pressure on the sites stems from unenlightened modernization of the structure or from neglect and decay.

The inventory was conducted by H. McKelden Smith from the N. C. Division of Archives and History and the planner-in-charge along with the help of several people who knew the country well. Every road in the county was driven and whenever a likely looking structure appeared, it was more closely inspected. If it proved of interest, details were recorded on an inventory form and pictures were taken of the exterior and interior and a floor plan were recorded if entry was possible. The owner's name, the name of the house (for example, The Old Vann Home) and an explicit location were also recorded.

For each site a folder was then organized containing all the recorded information and the pictures. A list was compiled summarizing this information and numbered according to the file numbers of the folders. Two sets of this information exist, one with Hertford County and the other with the Division of Archives and History.

An attempt was made to verify the existence of many historic places which appeared on various lists compiled by organizations or persons interested in Hertford history. Many of the structures have long since rotted away and all sites such as Indian villages requiring archeological exploration are beyond the scope of this inventory.

Many of the structures included in the lists have been found and inventoried, as a result of field work. Unfortunately, due to time constraints, it was impossible to verify the complete list. As a result there are now two lists: "Finished Work" and "Work to be Completed."

The list entitled "Finished Work" describes places as existing or gone, and includes other information which may be helpful in future work.

The list entitled "Work to be completed" lists the sites by number which need further work to complete the inventory folder. Also listed are the sites which have not been verified as still existing. Some member of the Historic District Commission should be able to locate or otherwise verify the sites in question.

FINISHED WORK

Archie Brown Farm has burned.

Mt. Gallant is a fishery now, was a shipping point.

Sally Archer's Crossroads

In Miles Mitchell vicinity. When the creeks were used for transportation, the vicinity was called Sally Archer's Crossroads.

Burkhorn Baptist Church is rebuilt (& Academy)

Old Town - no structures remain

Confederate Breastworks on N side of Potecasi Creek - 50 yds. west of N.C. 158 at Bridge already has historical marker.

Oak Villa was an old mail stop.

Bethel Church in Harrellsville is still standing.

SE corner S.R. 1432 and N.C. 561.

Montgomery's Mill is gone but the mill pond is still there.

Petty Shore - Confederate Breastworks are still here
End of S.R. 1414

Liberty Hill Fishery - could be that Dogwood Landing is the same thing of S.R. 1450

Swains Mill - Taylors Pond - Confederate Breastworks
- Breastworks are no longer standing.
- Swains Mill is an Indian Village site.
- Taylors pond is located on map.

W. P. Britton Farm is the Prichard Farm

Rea Wiles Cemetery is on the grounds of Griffin Plantation
see Inventory #53

T. E. Brown(e) House = Dunning Browne House =
"The Cedars"
see Inventory #179

Gen. Wynn House (almost deteriorated)
see Inventory folder #92

Green Plains Plantation

Lu Mason says its in ruins; could be Pleasant Jordans home or William Wynns home

N side Rt. 158 .5 mi. E of jct. w S.R. 1175 (Parkers Ferry Road)

Widow Early's Farm

doesn't exist any more. Vicinity is marked on work map.

Elm Grove Seminary - in ruins. was the Darden Home

Owner of land - Mrs. Margaret Evans of Murfreesboro in Charlottesville, Va.

Littleton - was a little town that has now been obliterated by the Farmers Chemical Plant. Plat of the Town exists in Frank Stevens book. Kenneth Rayner Farm here.

Brownville - Menola's original name. Had to change to Menola when post office came because there was already a Brownville.

Cornwallis Oak is gone.

Brichells Inn is now gone.

Capt. James Anderson Farm may be Mulbury Grove because Mr. Cotton bought the land from Mr. Anderson.

Devil's Elbow Battery

E'bo? - Devil's Elbow which is a sharp bend in the Meherrin River, but there is no extant battery

China Mash Quagmire on 1118 1/2 mi. S of Frazier Crossroads
Directly behind first old sandpit. Thick sink, behind gas line
150 yards. More mud than sand - but many animals were lost here.

Buffalo Island -

"Buffaloes" were civil war southerners who turned on other southerners. People from the "Buffaloe" families are dispiised to this day!
The "island" was just a place where they congregated.

John Moore House and Weston Plantation seem to be the same.

Walter Lackey is former owner who gave it to JC's and will revert to Murfreesboro Historical Association.

Union Academy is no longer standing.

St. John's Chapel - no longer exists.

Bertie Courthouse - no longer exists.

Old Stage Inn - no longer exists.

Wellington & Powellsville R.R. is still running. Called the "Walk & push" because it broke down so often.

Parker House was the Gambrel roofed house we photographed. It has been moved to Northampton County.

WORK TO BE COMPLETED

Menola

- #155 Andrew Vinson Place
Have owner's name (he's occupant)
Need interior pix and floor plan.
- #159 Need house name.
- #157 Need house name.

Como

- #48 Need house name, owner's name, occupant's name.
- #43 Worrel House
Owner know; get interior pix
- #31 Brett House
Need all pix.
- #64₁ All information needed

Verify Existence: Do they still exist or is everything gone?
(Check old house in Field near Dean Waggenbacks)

Cuthbertson House N. side S.R. 1319 4 mi. NE of town

George Little Plantation E. side S.R. 1306 3 mi. SW of jct.
W N.C. 258

"Brook Neal" Presbyterian Church Riddicksville

Elm Cottage W. side N.C. 258 1/2 mi. N of Como

Williams Plantation House S. side S.R. 1315

Daniel House s. side S.R. 1317 2 mi. W of Como

Ridley House Site (?) S side S.R. 1317 1/4 mi. W of Como

Vann Plantation House W side S.R. 1315 3 mi. N of Como

Kimberly House S side U.S. 258

Simmons Plantation House N side S.R. 1322

Battle Plantation House N side S.R. 1322

Holland Plantation House N side S.R. 1322

WORK TO BE COMPLETED

200 Year Old Pine N side 1306 in Big Woods

Evans Plantation House N side S.R. 1311

Lotta Post Office E side S.R. 1310

Camp House S. side S.R. 1308 2 mi. S of U.S. 258

Maney Cemetary

Parden Plantation W side U.S. 258 3 mi. N of Como

Winton Vicinity

Bakers Point West side of Chowan River at mouth of Meherrin

Henry Griffiths Farm S. side of N.C. 158 1/2 mi. East of Potecase
Creek Bridge.

John Vann Farm N(?) side of Parkers Ferry Rd. (S.R. 1175)
1/2 mi. E(?) of jct. N.C. 158
(could this be "Green Plains Plantation"?)

Murfreesboro Vicinity - Riddick

#138 Need name of house, and owner of house

#52 Have owner's name, need house name, interior pix, and floor plan.

#53 Griffith Plantation, get all pix and floor plan;
owners (occupants) are very cooperative

#140 Have owner's names, need house name

#57 Bridger Farm, need all old photos and floor plan

#139 Have owner's name, need house name.

Maget Plantation House W. side 258 1 mi. N of Murfreesboro

Figures Cemetery E side S.R. 1304 1/2 mi. S of Meherrin River

Shipyard Field W side S.R. 1310 4 mi. N of Murfreesboro on
Meherrin River

Cooke Plantation S.R. 1310 1 mi. from U.S. 258, north of Murfreesboro

Ramsay Cemetery E side S.R. 1301 2 mi. N of Murfreesboro

19th Century House W side S.R. 1300 1 mi. W of Murfreesboro

Wise House N side of U.S. 258 1 mi. W of Murfreesboro

WORK TO BE COMPLETED

Cofield Vicinity

- #95 owner (occupant) is fussing about clean houses. Need an appointment to get interior pictures and floor plan.

Ahoskie Vicinity

- #8 Need all information.
- #7 Verify. Pictures don't go in this folder because Rachel Pittman says the house doesn't jive with the cemetery information.

Mapleton Vicinity

- #56 Have owner's name and permission to enter but tenant won't let you in until owner comes along.

- #91 Mt. Tabor Church
Need pix and floor plan.

Henry Griffiths Farm S. side N.C. 158
1/2 mile E of Potecasi Creek Bridge

Apparently is not Griffiths Plantation. See inventory #52 or #53.

Mintons Store Vicinity

- #160 Have owner's name, need house name, interior pix, and floor plan.
- #167 Have owner's name, get interior pix and plan

St. John Vicinity

Lemuel Burkitts House N. C. 561, 2½ mi. W. of St. John

Abner Perry Farm W. side S.R. 1118, ½ mi. S. of Mulberry Grove

Union

Check out log house end of S.R. 1133

- #144 Need house name, all pix, floor plan; owner has given permission but tenant is leery.

- #142 Get name of house }
#143 Get name of house } same owner

Numbers refer to Inventory Folders. Unnumbered items need to be investigated to determine

1. Do they still exist?
2. If so - get all inventory information
 - a) name
 - b) location
 - c) pix, etc.

APPENDIX

ENABLING LEGISLATION

HISTORIC DISTRICTS

CHAPTER 160A. CITIES AND TOWNS.

Article 19. Planning and Regulation of Development.

Part 3A. Historic Districts.

160A-395. Exercise of powers under this Part by counties as well as cities; designation of historic districts. - The term "municipal governing body" or "municipal legislative body" as used in this Part shall be deemed to include the governing board or legislative board of a county, to the end that counties may exercise the same powers as cities with respect to the establishment of historic districts.

Any such legislative body may, as part of a zoning ordinance enacted or amended pursuant to this Article, designate (and from time to time amend) one or more historic districts within the area subject to the ordinance. Such ordinance may treat historic districts either as a separate use-district classification or as districts which overlap other zoning districts. Where historic districts are designated as separate use-districts, the zoning ordinances may include among permitted uses those uses found by the historic district commission to have existed during the period sought to be restored or preserved, or to be compatible with the authentic restoration or preservation of the district. No historic district or districts shall be designated until:

- (1) The local planning board shall have made an investigation and report on the historic significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and shall have prepared a description of the boundaries of such district, and
- (2) The Department of Cultural Resources, acting through such agent or employee as may be designated by its Secretary, shall have made an analysis of and recommendations concerning, such report and description of proposed boundaries. Failure of the department to submit its analysis and recommendations to the municipal governing body within 60 days after a written request for such analysis has been mailed to it shall relieve the municipal governing body of any responsibility for awaiting such analysis, and said body may at any time thereafter take any necessary action to adopt or amend its zoning ordinance.

The municipal governing body may also, in its discretion, refer the planning board's report and proposed boundaries to any local historic sites commission or other interested body for its recommendations prior to taking action to amend the zoning ordinance.

On receipt of these reports and recommendations, the municipal legislative body may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate zoning ordinance provisions. (1965, c. 504, 2; 1971, c. 884, ss. 1, 2, 4; c. 896, s. 7; 1973, c. 476, s. 48.)

160A-396. Historic district commission. - Before it may designate one or more historic districts, a municipality shall establish or designate a historic district commission. The municipal governing board shall determine the number of members of the commission, which shall be at least three, and the length of their terms, which shall be no greater than four years. A majority of the members of such a commission shall have demonstrated special interest, experience, or education in history or architecture; and all the members shall reside within the territorial jurisdiction of the municipality as established pursuant to G.S. 160A-360.

In lieu of establishing a separate historic district commission, a municipality may designate as its historic district commission, either (i) the municipal historic properties commission, established pursuant to G.S. 160A-399.2, or (ii) the municipal planning board. In order for the planning board to be designated, at least two of its members shall have demonstrated special interest, experience, or education in history or architecture.

A county and one or more cities in the county may establish or designate a joint historic district commission. If a joint commission is established or designated, the county and city and cities involved shall determine the residence requirements of members of the joint historic district commission. (1965, c. 504, s. 2; 1971, c. 884, s. 2; c. 896, s. 7; 1973, c. 426, s. 62.)

160A-397. Certificate of appropriateness required. - From and after the designation of a historic district, no exterior portion of any building or other structure (including stone walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, or moved within such district until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the historic district commission. The municipality shall require such a certificate to be issued by the commission prior to the issuance of a building permit or other permit granted for purposes of constructing or altering structures. A certificate of appropriateness shall be required whether or not a building permit is required.

For purposes of this Part, "exterior architectural features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the color, the kind and texture of the building material, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior architectural features" shall be construed to mean the style, material, size, and location of all such signs.

The commission shall not consider interior arrangement and shall take no action under this section except for the purpose of preventing the construction, reconstruction, alteration, restoration, or moving of buildings, structures, appurtenant fixtures, or outdoor advertising signs in the historic district which would be incongruous with the historic aspects of the district.

Prior to issuance or denial of a certificate of appropriateness the commission shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard. In cases where the commission deems it necessary, it may hold a public hearing concerning the application. An appeal may be taken to the Board of Adjustment from the commission's action in granting or denying the certificate, in the same manner as any other appeal to such Board. Any appeal from the Board of Adjustment's decision in any such case shall be heard by the superior court of the county in which the municipality is located.

The Department of Cultural Resources, acting through any agent or employee designated by its Secretary, or the North Carolina Advisory Council on Historic Preservation, shall, either upon the request of the Department or at the initiative of the historic district commission, be given an opportunity to review, comment and make recommendations upon the substance and effect of any application for a certificate of appropriateness in any historic district established pursuant to G.S. 160A-395 through 160A-399. Its comments and recommendations may be provided in writing to the historic district commission or made orally at any public hearing held in connection with the application. The historic district commission shall consider these comments and recommendations prior to the issuance of a certificate of appropriateness. If any certificate is issued contrary to the recommendations of the Department, the historic district commission shall enter the reasons therefor in the minutes of the meeting at which such action is taken, and a copy of the minutes shall be forwarded to the Department by the commission's secretary. If the Department does not submit its comments or recommendations in connection with any application within 30 days following receipt by the Department of any materials needed for its review of the application, whether such review is at the request of the Department or the historic district commission, the commission and any city or county governing board shall be relieved of any responsibility to consider those comments and recommendations. In this case, the certificate of appropriateness may thereafter be issued without regard to the requirements of this paragraph. (1965, c. 504, s. 2; 1971, c. 884 ss. 2, r; c. 896, s. 7; 1973, c. 426, s. 60; c. 476, s. 48.)

160A-398. Certain changes not prohibited. - Nothing in this Part shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district which does not involve a change in design, material, color, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the building inspector or similar official shall certify is required by the public safety because of an unsafe or dangerous condition. (1965, c. 504, s. 2; 1971, c. 884, s. 2; c. 896, s. 7; 1973, c. 426, s. 60.)

160A-399. Delay in demolition of historic buildings. - From and after the designation of a historic district, no building or structure therein shall be demolished or otherwise removed until the owner thereof shall have given the historic district commission 90 days' written notice of his proposed action. During such 90-day period the historic district commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building. If the historic district commission finds that the building involved has no particular historic significance or value toward maintaining the character of the district, it may waive all or part of such 90-day period and authorize earlier demolition or removal. (1965, c. 504, s. 2; 1971, c. 884, s. 2; c. 896, s. 7.)

HISTORIC PROPERTIES COMMISSION

CHAPTER 160A. Cities and Towns.

Article 19. Planning and Regulation of Development

Part 3B. Historic Properties Commissions.

160A-399.1. Legislative findings. - The historical heritage of our State is one of our most valued and important assets. Conservation of historic properties will stabilize and increase the values in their areas and strengthen the overall economy of the State. This Part authorizes cities and counties of the State, within their respective zoning jurisdictions, and by means of listing, regulation, and acquisition,

- (1) To safeguard the heritage of the city or county by preserving any property therein that embodies important elements of its cultural, social, economic, political or architectural history; and
- (2) To promote the use and conservation of such property for the education, pleasure and enrichment of the residents of the city or county and the State as a whole. (1971, c. 885, s. 1; 1973, c. 426, s. 62.)

160A-399.2. Appointment or designation of historic properties commission. - Before it may exercise the powers set forth in this Part, a city or county shall establish or designate a historic properties commission. The city or county governing board shall determine the number of members of the commission, which shall be at least three, and the length of their terms, which shall be no greater than four years. A majority of the members of such a commission shall have demonstrated special interest, experience, or education in history or architecture; and all the members shall reside within the territorial jurisdiction of the city or county as established pursuant to G.S. 160A-360. In establishing such a commission and making appointments to it, a city or county may seek the advice of any State or local historical agency, society, or organization.

In lieu of establishing a separate historic properties commission, a city or county may designate as its historic properties commission either (i) the city or county historic districts commission, established pursuant to G.S. 160A-396, or (ii) the city or county planning board. In order for the planning board to be designated, at least two of its members shall have demonstrated special interest, experience, or education in history or architecture.

A county and one or more cities in the county may establish or designate a joint historic properties commission. If a joint commission is established or designated, the county and city or cities involved shall determine the residence requirements for members of the joint historic properties commission. (1971, c. 885, s. 2; 1973, c. 426, s. 62.)

160A-399.3. Powers of properties commission. - Any city or county historic properties commission appointed or designated pursuant to this Part shall be authorized to:

- (1) Recommend to the city or county governing board structures, sites, areas or objects to be designated by ordinance as "historic properties."
- (2) Acquire the fee or any lesser included interest to any such historic properties, to hold, manage, restore and improve the same, and to exchange and dispose of the same by sale, lease or otherwise subject to the rights of public access and other covenants and in a manner that will conserve the property for the purposes of this Part.
- (3) Restore, preserve and operate such historic properties.
- (4) Recommend to the governing board that designation of any building, structure, site, area or object as a historic property be revoked or removed.
- (5) Conduct an educational program on historic properties within its jurisdiction.
- (6) Cooperate with the State, federal and local governments in pursuance of the purposes of this Part. The governing board or the commission when authorized by the governing board may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law.
- (7) Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof.
- (8) All meetings or hearings of the commission shall be open to the public, and reasonable notice of the time and place thereof shall be given to the public. (1971, c. 885, s. 3; 1973, c. 426, s. 62.)

160A-399.4. Adoption of an ordinance; criteria for designation. - Upon complying with G.S. 160A-399.5, the governing board may adopt and from time to time amend or repeal an ordinance designating one or more historic properties on the following criteria: historical and cultural significance; suitability for preservation or restoration; educational value; cost of acquisition, restoration, maintenance, operation or repair; possibilities for adaptive or alternative use of the property; appraised value; and the administrative and financial responsibility of any person or organization willing to underwrite all or a portion of such costs. In order for any building, structure, site, area or object to be designated in the ordinance as a historic property, it must in addition meet the criteria established for inclusion of the property in the National Register of Historic Places established by the National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C.A. section 470a, as amended, as evidenced by appropriate findings in resolutions of the city or county historic properties commission.

The ordinance shall describe each property designated in the ordinance, the name or names of the owner or owners of the property, and any other information the governing board deems necessary within the authority of this Part. For each building, structure, site, area or object designated as a historic property, the ordinance shall require that the waiting period set forth in G.S. 160A-399.6 be observed prior to its demolition, material alteration, remodeling or removal. For each designated historic property, the ordinance shall also provide for a suitable sign on the property that the property has been so designated. If the owner consents, the sign shall be placed upon the property. If the owner objects the sign shall be placed on a nearby public right-of-way (1971, c. 885, s. 4; 1973, c. 426, s. 62.)

160A-399.5. Required procedures. - No ordinances designating a historic building, structure, site, area or object nor any amendment thereto may be adopted, nor may any property be accepted or acquired by a historic properties commission or the governing board of a city or county, until the following procedural steps have been taken:

- (1) The historic properties commission shall make or cause to be made an investigation and report on the historic, architectural, educational or cultural significance of each building, structure, site, area or object proposed for designation or acquisition.
- (2) The Department of Cultural Resources, or another agent or employee of the Department designated by the Secretary, shall make an analysis of and recommendations concerning the report of the historic properties commission. This is waived if the Department fails to submit its analysis and recommendations to the governing board within 60 days after written request for the analysis has been mailed to the Department by the clerk of the city or county governing board. This requirement is also waived with respect to any building, structure, site, area or object of national, State or local historical significance that is currently listed (as certified by the Secretary of Cultural Resources) on the National Register of Historic Places established by the National Historic Preservation Act of 1966, Public Law 89-655, 16 U.S.C.A. section 470a, as amended.
- (3) The historic properties commission and the governing board shall hold a public hearing on the proposed ordinance. Notice of the hearing shall be published at least once in a newspaper generally circulated within the city or county in which the property or properties to be designated or acquired are located, and written notice of the hearing shall be mailed by the properties commission to all owners and occupants of properties whose identity and current mailing address can be ascertained by the exercise of reasonable diligence. All such notices shall be published or mailed not less than 10 nor more than 20 days prior to the date set for the public hearing.
- (4) Following the joint public hearing, the governing board may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposal.
- (5) Upon adoption of the ordinance, the owners and occupants of each designated historic property shall be given written notification of such designation by the governing board, insofar as reasonable diligence permits. One copy

of the ordinance and each amendment thereto shall be filed by the historic properties commission in the office of the register of deeds of the county in which the property or properties are located. Each historic property designated in the ordinance shall be indexed according to the name of the owner of the property in the grantee and grantor indexes in the register of deeds office, and the historic properties commission shall pay a reasonable fee for filing and indexing. In the case of any property lying within the zoning jurisdiction of a city, a second copy of the ordinance and each amendment thereto shall be kept on file in the office of the city or town clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and each amendment thereto shall be given to the city or county building inspector, if any. The fact that a building, structure, site, area or object has been designated a historic property shall be clearly indicated on all tax maps maintained by the county or city for such period as the designation remains in effect.

- (6) Upon the adoption of the historic properties ordinance or any amendment thereto, it shall be the duty of the historic properties commission to give notice thereof to the tax supervisor of the county in which the property is located. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes. (1971, c. 885, s. 5; 1973, c. 426, s. 62, c. 476, s. 48.)

160A-399.6. Required waiting period. - A property which has been designated as a historic property by ordinance as herein provided may, after notice has been made to the owner as provided in G.S. 160A-399.5(5), be demolished, materially altered, remodeled or removed only after 90 days' written notice of the owner's proposed action has been given to the historic properties commission. During this period, the commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the property. During this period, or at any time prior thereto following notice of designation to the owner as provided in G.S. 160A-399.5(5) and where such action is reasonably necessary or appropriate for the continued preservation of the property, the commission may enter into negotiations with the owner for the acquisition by gift, purchase, exchange or otherwise of the property or any interest therein authorized by G.S. 160A-399.3. The commission may reduce the waiting period required by this section in any case where the owner would suffer extreme hardship, not including loss of profit, unless a reduction in the required waiting period were allowed. The commission shall have the discretionary authority to waive all or any portion of the required waiting period, provided that the alteration, remodeling or removal is undertaken subject to conditions agreed to by the commission insuring the continued maintenance of the architectural or historical integrity and character of the property. (1971, c. 885, s. 6; 1973, c. 426, s. 62.)

160A-399.7. Certain changes not prohibited. - Nothing in this Part shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on a historic property that does not involve a change in design, material, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the commission that such action is required for the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent a property owner from making any use of his property not prohibited by other statutes, ordinances, or regulations. (1971, c. 885, s. 7; 1973, c. 426, s. 62.)

160A-399.8. Authority to acquire historic buildings. - Within the limits of its zoning jurisdiction, any city or county governing board (and, with the approval of the governing board, any historic properties commission) may acquire property designated by ordinance as historic property, and may pay therefor out of any funds which may be appropriated for that purpose. The general powers granted to municipalities by G.S. 160-200(1), (2), (4), and (5) and to counties by G.S. 153-2(2), (3), and (4), and by G.S. 153-9(13) and (14) shall be deemed to include specifically the authority to acquire, maintain, manage, repair, restore, exchange or dispose of any building or structure designated as a historic property in any ordinance adopted pursuant to this Part. In the event the property is acquired under this section but is

not used for some other governmental purpose, it shall be deemed to be a "museum" under the provisions of G.S. 160-200(40), notwithstanding the fact that the property may be or remain in private use, so long as the property is made reasonably accessible to and open for visitation by the general public. (1971, c. 885, s. 8; 1973, c. 426, s. 62.)

160A-399.9. Appropriations. - A city or county governing board is authorized to make appropriations to a historic properties commission established pursuant to this Part in any amount that it may determine necessary for the expenses of the operation of the commission, and may make available any additional amounts necessary for the acquisition, restoration, preservation, operation and management of historic buildings, structures, sites, areas or objects designated as historic properties, or of land on which historic buildings or structures are located or to which they may be removed (1971, c. 885, s. 9; 1973, c. 426, s. 62.)

160A-399.10. Ownership of property. - All lands, buildings, structures, sites, areas or objects acquired by funds appropriated by a city or county shall be acquired in the name of the city or county unless otherwise provided by the governing board. So long as owned by the city or county, historic properties may be maintained by or under the supervision and control of the city or county. However, all lands, buildings or structures acquired by a historic properties commission from funds other than those appropriated by a city or county may be acquired and held in the name of the historic properties commission, the city or county, or both. (1971, c. 885, s. 10; 1973, c. 426, s. 62.)

160A-399.11. Part to apply to publicly owned buildings and structures. - Nothing in this Part shall be construed to prevent the regulation or acquisition of historic buildings, structures, sites, areas or objects owned by the State of North Carolina or any of its political subdivisions, agencies, or instrumentalities. (1971, c. 885, s. 11; 1973, c. 426, s. 62.)

160A-399.12. Conflict with other laws. - Whenever any ordinance adopted pursuant to this Part requires a longer waiting period or imposes other higher standards with respect to a designated historic property than are established under any other statute, charter provision, or regulation, this Part shall govern. Whenever the provisions of any other statute, charter provision, ordinance or regulation require a longer waiting period or impose other higher standards than are established under this Part, such other statute, charter provision, ordinance or regulation shall govern. (1971, c. 885, s. 12; 1973, c. 426, s. 62.)

160A-399.13. Remedies. - In case any building, structure, site, area or object designated a historic property is about to be demolished whether as the result of deliberate neglect or otherwise, materially altered, remodeled or removed, except in compliance with the ordinance, the city or county or the historic properties commission, may institute any appropriate action or proceedings to prevent such unlawful demolition, material alteration, remodeling or removal, to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to such historic property. (1971, c. 885, s. 13; 1973, c. 426, s. 62.)

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5-10.1 The historic district shall be an additional zone designation to any of the zoning districts of the zoning ordinance. That portion of any zone district to which the historic district shall apply shall be delineated on the zoning map. This designated historic district shall include those uses found by the Historic District Commission to have existed during the period sought to be restored or preserved, or to be compatible with the authentic restoration or preservation of the district in addition to those authorized by the applicable zoning district.

5-10.2 Purposes for the Creation of an Historic District

The historical heritage of the County of Hertford is among our most valued and important assets. It is therefore the purpose of the Historic District regulations:

- (1) to safeguard the heritage of the County of Hertford by preserving the district(s) therein which reflect noteworthy elements of our cultural, educational, social, economic, political, and/or architectural history,
- (2) to educate the citizenry to realize, understand, and appreciate our county's rich heritage;
- (3) to stimulate a greater awareness and sense of pride in the founding of the county and the contributions we have made to the State and Nation.

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- (4) to recognize the significant impact this area has had in the general settlement patterns and subsequent development of not only the greater Hertford County area, but of the region, State, and Nation, as well;
- (5) to develop an atmosphere and feeling of old, historic Hertford County by encouraging the preservation and restoration of historic structures within the district.
- (6) to improve the environmental quality and overall liveability of the historic sections of Hertford County;
- (7) to stabilize and improve property values in the district;
- (8) to promote the use and preservation of the district for the education, welfare, and pleasure of residents of Hertford County -- and of the State as well;
- (9) that these aforementioned goals and objectives for the Historic District be achieved and implemented through the establishment of and enforcement of the general district guidelines and specific district regulations which follow.

5-10.3 Establishment of an Historic District Commission

An Historic District Commission is hereby authorized to be appointed by the Hertford County Board of Commissioners. This shall be a 7 member commission with a majority of the members qualified by special interest, knowledge, or training in such fields as history or architecture. All members of the commission shall be from Hertford County. Members shall be appointed for three year staggered terms and be eligible for reappointment.

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Initial commission appointments shall be 1 member for one-year term, 3 members for two-year terms and 3 members for three-year terms with terms expiring on December 31 of the appropriate term of appointment.

5-10.4 Meetings of the Commission

The Historic District Commission shall meet within 10 days following notification by the Zoning Enforcement Officer of the filing of an application for a building or use permit on which the Commission is required to pass, and at such other times as the Commission may determine, or upon call of the Chairman.

5-10.5 Certificate of Appropriateness

From and after the designation of an Historic District, no exterior portion of any building or other structure (including stone walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, or moved within such district until after an application for a "Certificate of Appropriateness" as to exterior architectural features has been submitted to and approved by the Historic District Commission. The County shall require such a Certificate to be issued by the Commission prior to the issuance of a building permit or other permit granted for purposes of constructing or altering structures. A Certificate of Appropriateness shall be required whether or not a building permit is required. If the Commission does not act upon a "Certificate of Appropriateness" within 90 days of application, the applicant may be granted a building permit.

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5-10.6 Exterior Architectural Features

A "Certificate of Appropriateness" shall apply to "exterior architectural features" only. "Exterior architectural features" shall include the architectural style, general design, and general arrangement of the exterior of the building or other structure, including the color, the kind and texture of the building material, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior architectural features" shall be construed to mean the style, material, size, and location of all such signs. The Commission shall not consider interior arrangement and shall take no action under this section except for the purpose of preventing the construction, reconstruction, alteration, restoration, or moving of buildings, structures, appurtenant fixtures, or outdoor advertising signs in the Historic District which would be incongruous with the historic aspects of the district. The following guidelines shall be used by the Historic District Commission in determining appropriateness whenever there are two or more buildings or structures within the same district. These guidelines require only that a structure or changes to a structure meet those physical design criteria which will cause it to blend harmoniously with and fit into the aesthetic pattern of its surrounding structures. Of the twelve (12) criteria, a minimum of five (5) must be met for the structure to be aesthetically acceptable in the district.

- (1) Height-width proportion of facade - The ratio between the height and width of the structure must be similar to that of neighboring buildings within the district.

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- (2) Height-width proportion of openings within the facade - These must be in harmony with neighboring buildings within the district.
- (3) Rhythm of solids (i.e., walls) to voids (i.e., windows) in front facade - The alternation of solid and open elements must be in common with surrounding buildings within the district.
- (4) Relationship of materials - Material must already be found in use on structures in the district.
- (5) Relationship of textures - The texture must be one already in use on a significant number of structures in the district.
- (6) Relationship of color - The color must be found on numerous structures in the district.
- (7) Relationship of details - Chimneys, cornices, doorways, arches, and other details must be in conformance with others in the district.
- (8) Relationship of roof shapes - The structure must have a roof style common to the district.
- (9) Relationship of landscaping - The yard style must not conflict with neighboring landscapes within the district.
- (10) Scale - The relationship of building mass and details must be similar to that already existing within the district.
- (11) Directional expression of front elevation - The direction which the front elevation of the structure takes must already be found frequently within the district.
- (12) Relationship of ground cover - Ground cover or paving to be used shall be compatible with those already found in the district.

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Whenever there is only one building or structure within a district, the Historic District Commission shall use their own discretion, based upon knowledge of building design during the particular era in which the structure was constructed.

5-10.7 Maintenance or Repair

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in an Historic District which does not involve a change in design, material, color, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the building inspector or similar official shall certify is required by the public safety because of an unsafe or dangerous condition.

5-10.8 Demolition

No building or structure in an Historic District shall be abolished or otherwise removed until the owner thereof shall have given the Historic District Commission 90 days written notice of his proposed action. During such 90-day period the Historic District Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building. If the Historic District Commission finds that the building involved has no particular historic significance or value toward maintaining the character of the district, it may waive all or part of such 90-day period and authorize earlier demolition or removal.

5-10.9 Notification and Appeal

Prior to issuance or denial of a Certificate of Appropriateness, the Historic District Commission shall take such action as may reasonably be required to

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inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard. In cases where the commission deems it necessary, it may hold a public hearing concerning the application. An appeal may be taken to the Board of Adjustment from the Commission's action in granting or denying the certificate, in the same manner as any other appeal to such Board. Any appeal from the Board of Adjustments' decision in any such case shall be heard by the Hertford County Superior Court.

5-10.10 Construction on Private Property

In passing upon applications for certificates of appropriateness, the Historic District Commission shall not approve any porches, steps, posts, fences, walls, or other items extending over, on, or within public sidewalk or public alley areas unless the particular item is necessary for the authentic restoration, reconstruction, or maintenance of the particular project and unless the restoration, reconstruction, or maintenance thereof will not impede or block pedestrian traffic or constitute a public safety hazard. Further, any such item projecting over any sidewalk shall be at least nine (9) feet above the sidewalk at the lowest point. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any of the aforementioned items restored, reconstructed, or maintained on, over, or within a public sidewalk or public alley area under the authority hereof shall be the responsibility of the owner, and the owner's restoration, reconstruction, or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the County of Hertford blameless against any and all liability, cost, damage, or expense suffered or suffered by the County as a result of or growing out of the restoration, reconstruction, or maintenance thereof. (The provisions of this paragraph

shall prevail over any inconsistent or conflicting provisions of this ordinance.)

5-10.11 Involvement of the N. C. Department of Archives and History

The Historic District Commission shall give the N. C. Department of Archives and History, acting through any agent or employee designated by its Director, or the North Carolina Advisory Council on Historic Preservation, an opportunity to review, comment, and make recommendations upon the substance and effect of any application for a Certificate of Appropriateness in any Historic District.

Its comments and recommendations may be provided in writing to the Historic District Commission or made orally at any public hearing held in connection with the application. The Historic District Commission shall consider these comments and recommendations prior to the issuance of a Certificate of Appropriateness. If any Certificate is issued contrary to the recommendations of the Department, the Historic District Commission shall enter the reasons therefor in the minutes of the meeting at which such action is taken, and a copy of the minutes shall be forwarded to the Department by the Commission's secretary. If the Department does not submit its comments or recommendations in connection with any application within 30 days following receipt by the Department of any materials needed for its review of the application, whether such review is at the request of the Department or the Historic District Commission, the Commission and the Hertford County Board of Commissioners shall be relieved of any responsibility to consider these comments and recommendations. In this case, the Certificate of Appropriateness may thereafter be issued without regard to the requirements of this paragraph.

RULES OF PROCEDURE

HISTORIC DISTRICT COMMISSION

SALISBURY, NORTH CAROLINA

ARTICLE I. GENERAL RULES

- A. The Historic District Commission of the City of Salisbury, North Carolina shall be governed by the terms of Section 160A-395-398 of the General Statutes of North Carolina, and by the terms of the City of Salisbury Historic District Ordinance enacted by the City Council on the 19th day of August, 1975, and any amendments thereto. All Commission members shall thoroughly familiarize themselves with the provisions of the Statutes and Ordinances.

ARTICLE II. OFFICERS AND DUTIES

- A. Election of Officers. The Commission shall organize and elect a Chairman and Vice-Chairman, annually, at the first meeting in the month of January. These officers shall be eligible for re-election.
- B. Chairman. The Chairman shall preside at all meetings and public hearings of the Commission; shall decide on all matters of order and procedure; and shall appoint any committees found necessary to investigate those matters before the Commission or to perform any of its duties.
- C. Vice-Chairman. The Vice-Chairman shall assume the duties of the Chairman in his absence.

ARTICLE III. MEETINGS

- A. Regular Meetings. Regular meetings of the Commission shall be held on the second (2nd) Thursday of each month at the City Hall in Salisbury, North Carolina; provided that if the Chairman so directs, meetings may be held at any other place in the City.
- B. Special Meetings. Special meetings of the Commission may be called at any time by the Chairman, provided that at least forty-eight (48) hours notice is given to each member.
- C. Quorum. A quorum shall consist of five (5) members.

- D. Conduct of Meetings. All meetings shall be open to the public. The order of business at regular meetings shall be as follows:
1. Roll call
 2. Reading of the Minutes of the previous meeting
 3. Recognition of visitors
 4. Reports of committees
 5. Unfinished business
 6. New business
 7. Approval regarding certificate of appropriateness issued
 8. Adjournment
- E. Change of Rules of Procedure. No change shall be made to the Rules of Procedure of the Historic District Commission without the affirmative vote of five members of the Commission.
- F. Vote. Except as otherwise specified herein, the vote of the majority of those members present shall be sufficient to decide matters before the Commission provided that there are at least five affirmative votes. All members attending the meeting shall vote unless excused by the Chairman for just cause.
- G. Cancellation of Meetings. Whenever there is no business for the Commission, the Chairman may disperse with a regular meeting by giving notice to all members not less than forty-eight (48) hours prior to that time set for the meeting.

ARTICLE IV. REMOVAL OF MEMBERS

- A. The Chairman shall notify the Mayor of the City of Salisbury of any Commission member who is absent from three consecutive meetings unless such absence is excused by the Commission for good and sufficient cause.

ARTICLE V. RECORDS

- A. The Clerk shall maintain a file of all studies, plans, reports and recommendations made by the Commission in the discharge of its duties and responsibilities.
- B. All records of the Commission shall be public records.

ARTICLE VI. CLERK

- A. The Clerk shall be a regular employee of the staff of the City of Salisbury appointed by the City Manager to keep the minutes of the Commission, notify members of the regular and called meetings; record attendance; carry on routine correspondence; maintain the files of the Commission and handle the finances of the Commission. The Clerk shall provide the minutes of the previous meeting to members by mail four to seven days prior to the next scheduled meeting.

ARTICLE VII. APPLICATIONS

- A. Applications for certificates for appropriateness or administrative review shall be made at the City offices, in the office of the Zoning Administrator. Notice of the application shall be mailed to the North Carolina Department of Cultural Resources and individual Commission members within five days of receipt. If adjoining property owners are materially affected, notice indicating the date and time of the hearing shall be mailed to them also.

ARTICLE VIII. NOTICE REQUIRED FOR APPLICATION

- A. The Historic District Commission will consider all applications submitted to the Zoning Administrator at its next regularly scheduled meeting, providing five days notice has been allowed prior to the meeting.

ARTICLE XI. NOTICE TO APPLICANTS
AND ADJOINING PROPERTY OWNERS

- A. Prior to issuance or denial of a certificate of appropriateness the Historic District Commission shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application and shall give the applicant and such owners an opportunity to be heard.

ARTICLE X. CONDUCT OF HEARING

- A. Any party may appear in person or by agent or by attorney at the hearing. The order of business for each hearing shall be as follows:
1. The Chairman, or such person as he shall direct, shall give a preliminary statement of the case.

2. The Applicant shall present the arguments in support of his case or application.
3. Persons opposed to granting the application shall present the arguments against the application.
4. Both sides will be permitted to present rebuttals to opposing testimony.

The Commission may, in its discretion, view the premises and obtain additional facts in the matter before arriving at a determination of the case.

ARTICLE XI. REHEARINGS

- A. An application for a rehearing may be made in the same manner as provided for an original hearing. Evidence in support of the application shall initially be limited to that which is necessary to enable the Historic District Commission to determine whether there has been a substantial change in the facts, evidence, or conditions in the case. A rehearing shall be denied by the Historic District Commission if in its judgment there has been no substantial change in the facts, evidence, or conditions in the case. If the Historic District Commission finds that there has been such a change, it shall thereupon treat the request in the same manner as any other application. An application for a second rehearing cannot be heard within six (6) months from the decision of the first hearing.

ARTICLE XII. FORM

- A. Written notice of the decision in a case shall be given to the Applicant by the Clerk as soon as practicable after the cases have been decided. The final decision of the Board shall be shown in the record of the case as entered in the minutes of the Historic District Commission and signed by the Chairman and the Clerk upon approval of the minutes by the Historic District Commission. The record shall show the reasons for the decision.

ARTICLE XIII. COMPLIANCE

- A. Upon satisfactory completion of the work, the certificate of appropriateness will be so endorsed, with a copy to the Applicant, the Historic District Commission's files, and if required, the North Carolina Department of Cultural Resources.

ARTICLE XIII. ENFORCEMENT

- A. The primary Enforcement Officer for the Historic District Commission shall be the City of Salisbury Building Inspector or his representative.
- B. On discovery of a violation, the Building Inspector shall issue a stop order and report the same to the Commission. Upon report, the Chairman of the Commission shall initially contact the violator. An effort shall be made to achieve compliance. If voluntary compliance cannot be achieved, the Commission Chairman shall report the violation to the City Attorney for legal action.

* * * * *

Read, approved and adopted by the Historic District Commission on the _____ day of _____, 19 _____, the following Commission members voting AYE:

These rules of procedure shall become effective this _____ day of _____, 19 _____.

Clerk

Chairman

Sample design criteria used in the Savannah report are as follows: 1. Height; 2. Proportion of buildings' front facades; 3. Proportion of openings within the facade; 4. Rhythm of solids to voids in front facade; 5. Rhythm of spacing of buildings on streets; 6. Rhythm of entrance and/or porch projections; 7. Relationship of materials; 8. Relationship of textures; 9. Relationship of color; 10. Relationship of architectural details; 11. Relationship of roof shapes; 12. Walls of continuity.



The newer house in the center does not relate to its neighbors in height, proportion, color, materials, details, rhythms, or landscaping. According to criteria, it receives only one point for relation of setback.



Two houses have different exterior materials yet relate well because of:

- | | |
|-------------------------|----------------------------|
| 1. Height | 4. Proportion of buildings |
| 2. Rhythms of spacing | 5. Proportion of openings |
| 3. Rhythms of entrances | 6. Landscaping |



Although these three detached houses have distinctly different styles, there is a sense of relatedness.

- | | |
|-----------------------------------|---------------------------|
| 1. Proportion of building facades | 5. Landscaping |
| 2. Heights | 6. Details |
| 3. Walls of enclosure | 7. Proportion of openings |
| 4. Rhythms of entrances | |



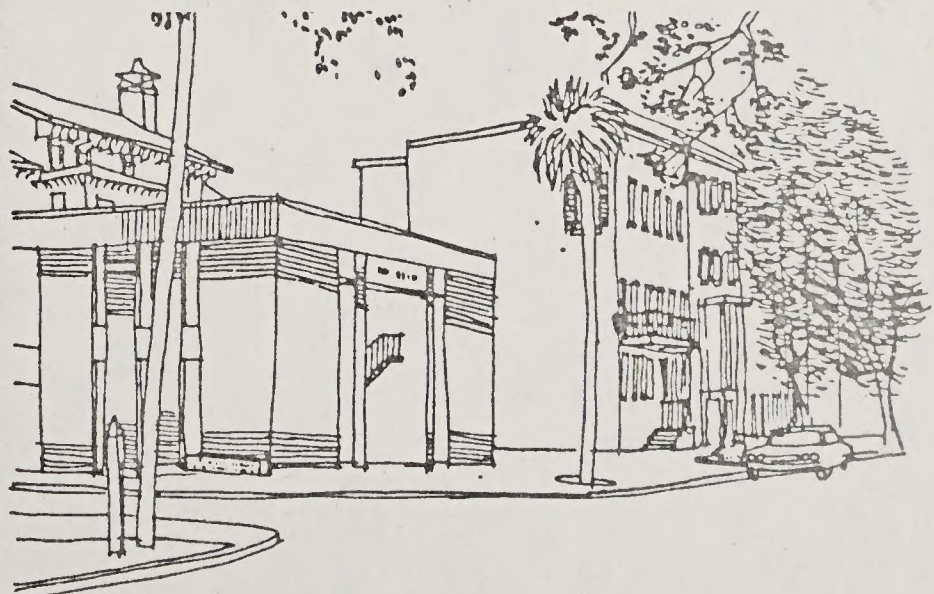
In a tightly spaced block, there is variation of housing facades, yet houses are well related.

- | | |
|---------------------------|-------------------------|
| 1. Height | 4. Rhythms of entrances |
| 2. Proportion of facades | 5. Rhythms of spacing |
| 3. Proportion of openings | 6. Landscaping |

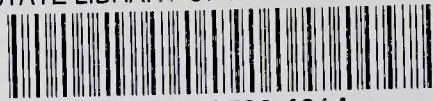


This demonstrates good relationship between a church complex and a residence, showing:

- | | |
|--------------|----------------------------|
| 1. Materials | 4. Details—arches |
| 2. Colors | 5. Landscaping—earth cover |
| 3. Textures | 6. Closure of space |



Although a handsome building, this new structure does not relate well with older existing structures. In another location it might be entirely acceptable. According to criteria it relates in setback only.



3 3091 00733 4014



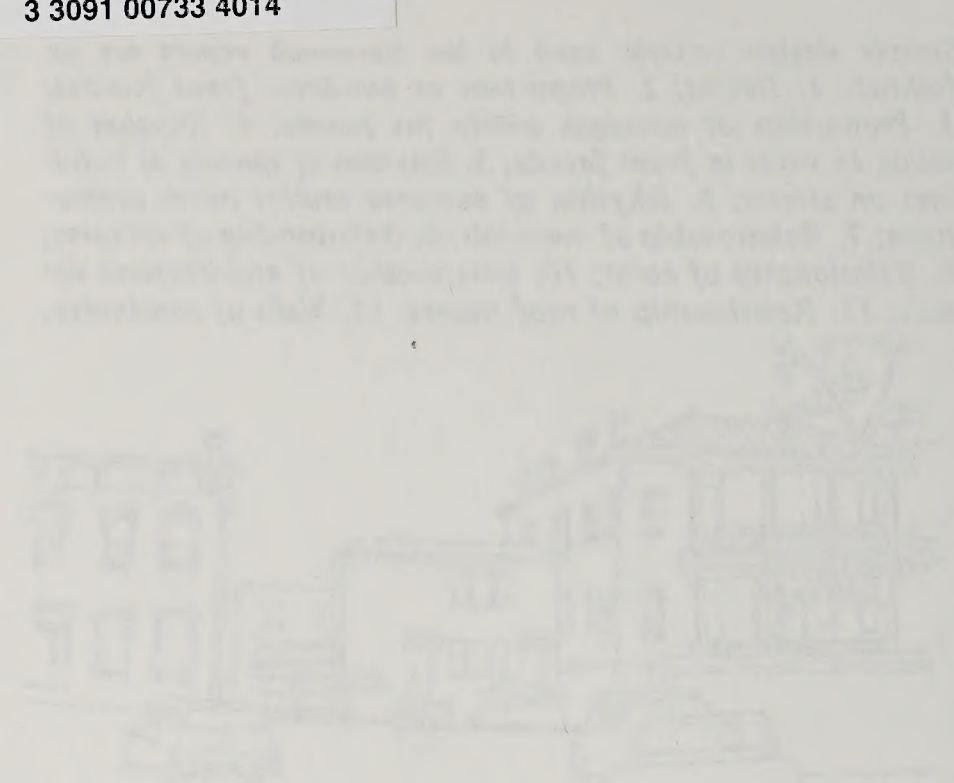
1. The building is a large, multi-story structure with a central tower and many windows. It is surrounded by trees and a lawn. The drawing is a pencil sketch.



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